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Fax Cover Sheet

Date: 30 Oct 2007

To: Phil McKay	From: Stephen M. Johnson
Application/Control Number: 10/802,115	Art Unit: 3641
Fax No.: 571-273-8300	Phone No.: 571-272-6877
Voice No.:	Return Fax No.: (571) 273-6877
Re:	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:

Number of pages 35 including this page

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,115	03/13/2004	Heinz F. Thummel	LDI006	3273
25201	7590	04/03/2006		
PATRICK T. KING LAW OFFICES OF PATRICK T. KING 144 HOLM ROAD #39 WATSONVILLE, CA 95076-2427				
			EXAMINER	
			JOHNSON, STEPHEN	
			ART. UNIT	PAPER NUMBER
			3641	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

OCT 30 2007

## Office Action Summary

Application No.

10/802,115

Applicant(s)

THUMMEL, HEINZ F.

Examiner

Stephen M. Johnson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-27 and 30-36 is/are rejected.
- 7) ☒ Claim(s) 6, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Replacement sheets 2 and 6 have been approved. However, sheets 1, 3-5, and 7 should also be labeled as replacement sheets in view of the fact that they also include changes or alterations relative to the sheets as originally filed.

2. Claims 24-35 have been renumbered as claims 25-36 pursuant to 37 CFR 1.126. Claim dependencies have also been changed accordingly.

3. The disclosure is objected to because of the following informalities: On page 7, line 26, numerical indicator 44 is incorrect. On page 8, line 12; and on page 9, line 16; numerical indicator 82 is not illustrated. On page 12, line 24, numerical indicator 90 is incorrect. On page 12, line 31, numerical indicator 96 is incorrect.

Appropriate correction is required.

4. Claims 6, 8, 16, 18, 27-29, and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, line 2; in claim 16, line 2; and in claim 28, lines 1-2, it is not understood as to how the claimed O-ring can be accurately described as fitting in an "external step". Claims 8 and 18 recite features already claimed in claims 1 and 14 from which they depend. In claim 16, line 2, what is meant by the phrase "fits an O-ring such that unthreaded"? In claim 27 it is not understood as to how the relative positions of the first and second axes can be adjusted by pivoting the dual-laser alignment housing relative to the laser housing. In claim 28, line 10, the phrase "second perpendicular" should be claimed as [second direction perpendicular] for clarity of claim language. In claim 31, how are the terms "a rounded exterior surface" and "corresponding rounded surface" intended to relate to equivalent terms in the claim form which

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it depends (claim 24, lines 9-10)? In claim 32, line 1, the term "24including" should be [24 including]. In claim 16, the phrases "the first and second adjustment screws and side surfaces" and "the spring-loaded bushings" lack an antecedent.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 8-12, 24-27, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (040) in view of Teetzel (905).

Moore (040) discloses a dual beam laser aiming module comprising:

- |   |          |
|---|----------|
| a) a laser alignment housing;           | 150, 160 |
| b) a laser housing with cavity;         | 170      |
| c) a rounded exterior surface;          | 160      |
| d) a corresponding rounded surface; and | 180, 182 |
| e) adjustment means.                    | 172, 174 |

Moore (040) applies as recited above. However, undisclosed is a laser alignment housing that contains first and second adjustable laser assemblies of infra-red and visible lasers in associated cavities with associated switching and a flashlight. Teetzel (905) teaches a laser alignment housing that contains first and second adjustable laser assemblies of infra-red and visible lasers in associated cavities with associated switching and a flashlight (see col. 7, lines 2-11; fig. 8; and col. 5, lines 21-47). Applicant is substituting a dual laser assembly for a single laser assembly in an analogous art setting. It would have been obvious to a person of ordinary

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skill in this art at the time of the invention to apply the teachings of Teetzel (905) to the Moore (040) laser aiming module and have a laser aiming module with a dual rather than a single laser assembly.

7. Claims 4, 14, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (040) in view of Teetzel (905) as applied to claims 1-3, 8-12, 24-27, and 31-35 above, and further in view of McGarry et al. (362).

Moore (040) and Teetzel (905) apply as previously recited. However, undisclosed is an adjustment or alignment means that is a 4-point mechanism. McGarry et al. (362) teach an adjustment or alignment means that is a 4-point mechanism (see fig. 3). Applicant is substituting one adjustment and alignment means for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of McGarry et al. to the teaching of Moore and Teetzel and have laser aiming module with a different type of adjustment or alignment means.

8. Claims 6 and 28-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 5, 7, 13, 15, 17, 23, 30, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 16 is too indefinite in its current form to make a determination regarding patentable subject matter.

Application/Control Number: 10/802,115

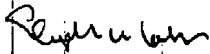
Page 5

Art Unit 3641

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is ([Stephen.Johnson@uspto.gov](mailto:Stephen.Johnson@uspto.gov)). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON  
PRIMARY EXAMINER

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
March 30, 2006

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OCT 30 2007

<b>Notice of References Cited</b>	Application/Control No.	Applicant(s)/Patent Under Reexamination	
	10/802,115	THUMMEL, HEINZ F.	
	Examiner	Art Unit	Page 1 of 1
	Stephen M. Johnson	3841	

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,531,040	07-1996	Moore, Larry	42/115
*	B	US-5,822,905	10-1998	Teetzel, James W.	42/117
*	C	US-5,375,362	12-1994	McGarry et al.	42/117
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages			
	U				
	V				
	W				
	X				

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
 PTO-892 (Rev. 01-2001)

3/30/2006  
 Notice of References Cited

Part of Paper No. 20060329



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,115	03/13/2004	Heinz F. Thummel	LDI006	3273
25201	7590	11/14/2006		
PATRICK T. KING LAW OFFICES OF PATRICK T. KING 144 HOLM ROAD #39 WATSONVILLE, CA 95076-2427			EXAMINER JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

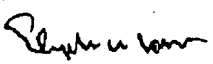
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<b>Notice of Abandonment</b>	Application No.	Applicant(s)
	10/802,115	THUMMEL, HEINZ F.
	Examiner	Art Unit
	Stephen M. Johnson	3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 April 2006.
  - ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:  
 571-272-6877  
  
STEPHEN M. JOHNSON  
PRIMARY EXAMINER

Stephen M. Johnson  
Primary Examiner  
Art Unit: 3641

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20061112